

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 BRISHAUNA KELLY,

Case No. 2:25-cv-00658-JAD-MDC

4 Plaintiff

ORDER

5 v.

6 LV METROPOLITAN POLICE DEPT., et al.,

7 Defendants

8

9 State prisoner Brishauna Kelly brings this civil-rights action under 42 U.S.C. § 1983
10 to redress constitutional violations that she allegedly suffered during her arrest by Las
11 Vegas Metropolitan Police Department officers and subsequent detention at Clark County
12 Detention Center. (ECF No. 1-1). Plaintiff filed an application to proceed *in forma*
13 *pauperis*, but her application is not complete because she failed to include a financial
14 certificate and an inmate trust fund account statement for the previous six-month period
15 with it. (See ECF No. 1). The Court will deny Plaintiff's application without prejudice and
16 give her the opportunity to correct this deficiency **by July 28, 2025**.

17 I. DISCUSSION

18 The United States District Court for the District of Nevada must collect filing fees
19 from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee
20 for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55
21 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the
22 fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev.
23 Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate
24 must submit **all three** of the following documents to the Court: (1) a completed
25 **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the
26 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
27 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
28 properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1), (2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 **II. CONCLUSION**

6 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
7 is denied without prejudice.

8 It is further ordered that Plaintiff has **until July 28, 2025**, to either pay the full \$405
9 filing fee or file a fully complete application to proceed *in forma pauperis* with all three of
10 the following required documents:

- 11 (i) a completed application with the inmate's two signatures on page 3,
- 12 (ii) a completed financial certificate that is signed both by the inmate and
13 the prison or jail official, and
- 14 (iii) a copy of the inmate's trust fund account statement for the previous six-
15 month period.

16 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
17 she fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
18 refile the case with the Court, under a new case number, when she can file a complete
19 application to proceed *in forma pauperis* or pay the required filing fee.

20 The Clerk of the Court is directed to send Plaintiff this Court's approved form
21 application to proceed *in forma pauperis* for an inmate with instructions.

22
23 DATED: May 28, 2025

24
25 Hon. Maximiliano D. Couvillier III
26 United States Magistrate Judge

